# REGULAR MEETING FRANKFORT BOARD OF COMMISSIONERS

September 28, 2015 5:00 P.M. (EDT)

PRESENT: Commissioner Tommy Z. Haynes

Commissioner John R. Sower Commissioner Robert E. Roach Commissioner Lynn Bowers Mayor William I. May, Jr. (5)

ABSENT: None (0)

Mayor May called the meeting to order. The invocation was given by Dr. Phil Hill. The Pledge of Allegiance was recited.

It was moved by Commissioner Bowers, seconded by Commissioner Roach, that the minutes of August 10, 2015 Work Session be amended on page 4 paragraph 4 to take the "s" off looks. Also, that the minutes of August 24, 2015 be amended on page 5 paragraph 5 to add a period after "small" and then begin a new sentence. The question was put upon the motion and the motion was adopted by voice vote. It was moved by Commissioner Bowers, seconded by Commissioner Haynes, that the minutes of the August 10, 2015 Work Session; August 24, 2015 Regular Meeting as amended be adopted. The question was put upon the motion and the roll called. Voting in favor of the motion were Commissioners Haynes, Sower, Roach, Bowers and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

### **Citizens Comments**

Eric Northcutt presented the Commission a handout regarding the 225<sup>th</sup> Anniversary of Kentucky becoming a State. He requested that a committee be formed to plan a large celebration to recognize the event.

Tabatha Camacho, a Frankfort High Spanish Teacher, gave an update to the Commission on their Ecuador trip this summer and offered pictures for everyone. It was an amazing trip and a life changing event for the students. The next trip will be in June of 2016 to the Dominican Republic and they will be collecting supplies to take on their trip thru the year.

Eric Whisman, with the Franklin County Trust, requested the demolition of 306 Murray St. be removed from the agenda. Mr. Whisman has a contract to purchase the property and plans to renovate. It was moved by Commissioner Bowers, seconded by Commissioner Roach to remove from Consent and place under Old Business. The question was put upon the motion and adopted by voice vote.

It was moved by Commissioner Bowers, seconded by Commissioner Sower to move Consent Items 7.8, 7.12 and 7.13 to New Business as Items 10.3, 10.4 and 10.5. Item 6.2 under Resolutions will be removed. The question was put upon the motion and adopted by voice vote.

## **Ordinances**

"AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2016 ON ALL MOTOR VEHICLES AND LEVYING A TAX FOR ALL CITY PURPOSES" was presented and read. This Ordinance had its first reading on August 24, 2015. It was moved by Commissioner Haynes, seconded by Commissioner Roach, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Sower, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 13, 2015 Series).

"AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2015 ON ALL TANGIBLE PROPERTY SUBJECT TO TAX, TRUST AND INSURANCE COMPANIES, PUBLIC SERVICE COMPANIES AND LEVYING SAID TAX FOR ALL CITY PURPOSES" was presented and read. This Ordinance had its first reading on August 24, 2015. It was moved by Commissioner Bowers, seconded by Commissioner Roach, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Sower, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 14, 2015 Series).

"AN ORDINANCE AMENDING SALARY SCHEDULE Q IN CHAPTER 37, SECTION 37.32, SALARY SCHEDULES; PAY GRADE STRUCTURE, OF THE CITY OF FRANKFORT CODE OF ORDINANCES AS OF 9/29/15" was presented and read. This Ordinance had its first reading on August 24, 2015. It was moved by Commissioner Roach, seconded by Commissioner Haynes, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Sower, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 15, 2015 Series).

"AN ORDINANCE TO AMEND SECTION 111.40 OF THE CITY OF FRANKFORT CODE OF ORDINANCES TO ADD ADDITIONAL TYPES OF ALCOHOLIC BEVERAGE LICENSES CONSISTENT WITH STATE LAW, TO ADD FEES CONSISTENT WITH STATE LAW, AND TO AMEND SECTION 115.09 TO DELETE THE PROVISION PROHIBITING ENTITIES GRANTED A LICENSE TO SELL DISTILLED SPIRITS, BEER OR MALT BEVERAGES AND WINE AT RETAIL BY THE DRINK FROM SELLING SUCH PRODUCTS AT ANY TIME DURING WHICH THE POLLS ARE OPEN FOR ANY REGULAR, PRIMARY, SCHOOL OR SPECIAL ELECTION" was presented and read.

"AN ORDINANCE TO AMEND SECTIONS 71.50, 71.51, 71.52, 71.53, 71.54, 71.55, 71.56, 71.57, AND 71.99 OF THE CITY OF FRANKFORT CODE OF ORDINANCES CONCERNING THE HOLDING OF PARADES IN THE CITY OF FRANKFORT, AND TO PROVIDE RULES GOVERNING SPECIAL EVENTS OCCURRING ON PRIVATE OR PUBLIC PROPERTY THAT WILL AFFECT THE USE OF PUBLIC PROPERTY, PUBLIC STREETS, RIGHTS-OF-WAY, ON STREET PARKING OR SIDEWALKS, AND TO ADOPT SECTIONS 71.58, 71.59, 71.60, 71.61, 71.62, 71.63, AND 71.64 THAT WILL ALSO ADDRESS THE HOLDING OF PARADES AND SPECIAL EVENTS IN THE CITY OF FRANKFORT" was presented and read.

#### **Orders**

"AN ORDER AMENDING THE CITY'S OPEN RECORDS ACT POLICY SO THAT THE CITY DOES NOT CHARGE REQUESTERS FOR COPIES WHERE THE TOTAL COST WOULD BE LESS THAN \$2.00" was presented. It was moved by Commissioner Haynes, seconded by Commissioner Sower, that the Order be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Sower, Roach, Bowers, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Order No. 4, 2015 Series).

"ONE OF TWO ORDERS AUTHORIZING EITHER THE MAYOR OR THE CITY MANAGER TO EXECUTE CONTRACTS ON BEHALF OF THE CITY WHERE THE AMOUNT TO BE PAID BY THE CITY PURSUANT TO THE CONTRACT DOES NOT EXCEED \$20,000.00 AND THE EQUIPMENT, MATERIALS, SUPPLIES OR SERVICES TO BE PURCHASED WERE INCLUDED IN THE APPROVED BUDGET" was presented. Following a long discussion, it was moved by Commissioner Roach, seconded by Commissioner Sower to allow the City Manager to sign the contract. The question

was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Roach and Sower (2). Those voting against the motion were Commissioners Haynes, Bowers and Mayor May (3). It was moved by Mayor May, seconded by Commissioner Haynes for the Mayor to sign the contract. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioner Haynes and Mayor May (2). Those voting against the motion were Commissioners Sower, Roach and Bowers (3). Therefore, without the necessary votes of support, neither Order was adopted.

#### Resolutions

"A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR 2015 TRANSPORTATION ALTERNATIVE GRANT FUNDS AND DESIGNATING THE MAYOR TO EXECUTE ALL GRANT DOCUMENTS PERTAINING TO THIS APPLICATION" was presented and read. It was moved by Commissioner Roach, seconded by Commissioner Haynes that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Sower, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Resolution No.18, 2015 Series).

Item 6.2 – A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A MOU WITH U.S. FISH AND WILDLIFE was removed from the agenda.

### **Consent Calendar**

The following miscellaneous and personnel items were presented:

- 7.1 Approved a Joint Funding Agreement with the U.S. Geological Survey (USGS) to operate the gauging station upstream of Lock 4 on the Kentucky River and authorize the Mayor to sign all related documents. Funds are available in Account No. 200-68-53295. This account has \$150,000 budgeted and as of August 1 the account has \$25,360 expensed and encumbered (Sewer Department).
- 7.2 Approved an amendment to the Engineering Services Agreement with QK4 for design services to replace manholes and gravity lines along US 60 at Douglas Avenue and Langford Avenue due to the intersection redesign and authorize the Mayor to sign all documents related to the project. Funding for this project is available in Account No. 300-68-54390. This account has \$14,797,500 budgeted and as of July 31, \$2,160,995 has been expensed and encumbered. The cost of this Amendment will be reimbursed by the Kentucky Transportation Cabinet (Sewer Department).
- 7.3 Authorized payment to Mission Communications, LLC for the annual telemetering fee for pump stations and authorize the Mayor to sign all documents associated with the project. Funds are available in Account #200-68-53291. This account has \$40,000 budgeted and as of July 31, \$0 has been expensed and encumbered (Sewer Department).
- 7.4 Approved Change Order #4 to the construction contract with W Rogers Company for construction of a 10 million gallon above ground storage tank and a 20 MGD pump station at 1100 Kentucky Avenue and to authorize the Mayor to sign all documents related to the project. Funding for this project is available in Account No. 300-68-54390. This account has \$14,797,500 budgeted and as of July 31, \$2,160,995 has been expensed and encumbered (Sewer Department).
- **7.5** Authorized the Mayor to sign documents releasing a partial easement release of platted easements for Lots 6, 7, and 8 of River Bend Office Park as recorded in Plat Cabinet "F", Slide 483 in the Clerks' Office in Franklin County, Kentucky. There is no financial impact (Sewer Department).

- 7.6 Approved a construction contract to ADE Contracting, Inc. for construction of approximately 500-feet of 8-inch gravity line and related manholes located at the back of properties that are on Cline Street in the Bellepoint Subdivision and to authorize the Mayor to sign all documents related to the project. Funding for this project is available in Account No. 300-68-54390. This account has \$14,797,500 budgeted and as of July 31, \$2,160,995 has been expensed and encumbered (Sewer Department).
- 7.7 Approved a construction contract to Pace Contracting for construction of a channel grinder and replacing a 24-inch valve at the Capital Avenue Pump station and to authorize the Mayor to sign all documents related to the project. Funding for this project is available in Account No. 300-68-54390. This account has \$14,797,500 budgeted and as of July 31, \$2,160,995 has been expensed and encumbered (Sewer Department).

## 7.8 Moved to New Business – Item 10.3

- 7.9 Approved an Engineering Service Contract with Consulting Services Incorporated to complete a design for the bridge supports for the Schenkel Pedestrian Bridge Project and authorize the Mayor to sign all related documents. This contract is for the amount of \$5,400 and funds are available in the Municipal Aid Account No. 535-00-51100 (Public Works).
- 7.10 Authorized the purchase of a 2016 Mack Truck LR613 outfitted with a Wayne Automated Side Loader body from Worldwide Equipment and authorize the Mayor to sign any related documents. This equipment purchase was approved in the 2015-2016 budget and is included in the Account No. 100-65-56550 (Public Works).
- 7.11 Authorized the purchase of a Self Contained Leaf Vacuum for the Public Works Department from O.D.B and authorize the Mayor to sign all related documents. This purchase was subject to a public bid which had one response. The bid price for the unit is \$39,917. Funds for this equipment were included in the 2015-16 budget and are available in Account No. 100-66-56550 (Public Works).

## 7.12 Moved to New Business - Item 10.4

#### 7.13 Moved to New Business – Item 10.5

**7.14** Authorized a time extension for the Kirkman Property at the corner of St. Clair and Main for the 2014 Historic Preservation Grant and to authorize the Mayor to sign all related documents. There will be no financial impact, it is strictly a time extension (Planning & Zoning).

#### 7.15 Moved to Old Business – Item 9.1

- 7.16 Authorized the Mayor to sign the agreement between Concur Technologies, Inc., and the City of Frankfort, and any related documents. The annual cost for the City of Frankfort is expected to be approximately \$3,300. There will also be a learning curve while converting to the new system (Finance).
- 7.17 Approved the purchase of a 2016 3/4 ton pickup truck to be used by the training officer from Bob Hook Chevrolet and to authorize the Mayor to sign all related paperwork. Funds are available in Account No. 100-42-56550 (Fire Department).

- 7.18 Authorized the Mayor to sign a service agreement with Physio-Control for the maintenance and repair of ten (10) automated external defibrillators (AED) and six (6) cardiac monitors/defibrillators. The service agreement is for three (3) years at a cost of \$36,155.10. The contract fee will be broken down into three (3) yearly installments (Fire Department).
- 7.19 Approved to award the bid for the purchase of a new 2016 ambulance to Excellance, Inc. and authorize the Mayor to sign any related documents. The cost of the new ambulance is \$196,757.92 and funds are allocated in Account No. 100-41-56553 for this expenditure (Fire Department).
- 7.20 Authorized the purchase of one (1) 2015 Ford F-150 truck Detective vehicle from Paul Miller Ford. The cost of the vehicle on State Contract is \$36,219.95. Funds are available in the Police Department US Asset Forfeiture Account. These monies can only be used for law enforcement purposes. Funds are available in Account No. 645-00-51100 (Police).
- 7.21 Authorized Amendment #3 to the engineering contract with Jacobs Engineering Group, Inc. for additional construction administration needed due to additional time needed by the Contractor for construction of the Two Creeks Pump Station and Sanitary Sewer Rehabilitation Project and to authorize the Mayor to sign all related documents. Funding for this project is available in Account No. 300-68-54390. This account has \$14,797,500 budgeted and as of July 31, \$2,160,995 has been expensed and encumbered (Sewer Department).

## 7.22 The following personnel items were presented:

- Transfer/Voluntary Demotion of Paul Daniels in the Sewer Department from Firefighter III/EMT to Plant Operator Trainee, effective 9/8/15 (Sewer)
- Lateral Transfer of Matt Tate in the Sewer Department from Maintenance Tech III to Sewer Tech III, effective 9/8/15 (Sewer).
- Appointment of Zach Smith in the PW/Street Department to Tech I, effective 9/8/15 (Public Works).
- Promotion of Brandon Loman in the PW/Solid Waste Department from Tech II to Tech III, effective 9/8/15 (Public Works).
- Resignation of Cody Neal in the Police/E911 Department as Telecommunicator I and authorized payment of accrued leave, effective 9/17/15 (Police).
- 7.23 Authorized the Mayor to sign an Event Agreement with All A Classic, and Frankfort Independent Schools concerning a boys and girls soccer tournament to be held at the City's Sower Field. There will be minimal cost to the City as a result of its participation in this Event Agreement (Parks & Recreation).

It was moved by Commissioner Haynes, seconded by Commissioner Bowers that the Consent Agenda be adopted. All members being present, the motion to approve the consent agenda was adopted by voice vote without objection.

## **Board Appointments**

It was moved by Commissioner Roach, seconded by Commissioner Bowers, to accept the Mayor's recommendation and to appoint David I. Boggs to the Frankfort/Franklin County Planning Commission for a term ending 7-1-19. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Sower, Roach, Bowers, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

It was moved by Commissioner Haynes, seconded by Commissioner Sower, to accept the Mayor's recommendation and to appoint Anna Marie Pavlik Rosen to the Electric and Water Plant Board for a term ending 9-23-19. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Sower, Bowers and Mayor May (4). Those voting against the motion were Commissioner Roach (1). The motion was thereupon adopted.

It was moved by Commissioner Haynes, seconded by Commissioner Sower, to accept the Mayor's recommendation and to appoint Walt Baldwin to the Electric and Water Plant Board for a term ending 9-23-19. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Sower, Bowers and Mayor May (4). Those voting against the motion were Commissioner Roach (1). The motion was thereupon adopted.

#### **Old Business**

Item 7.15 was moved from Consent to Old Business Item 9.1 at the request of Commissioner Bowers. The Commission requested Gary Muller, Planning and Building Codes Director, offer an update on the status of demolition. Mr. Muller stated only 2 bids were received and both bidders increased their figures due to lead paint at the structure. Mr. Eric Whisman spoke at the beginning of the meeting and requested the Commission vote against demolition of the property at 306 Murray St. since he has a contract to purchase and renovate. After much discussion, it was moved by Commissioner Roach to approve the demolition. The motion died for lack of a second. It was moved by Commissioner Haynes, seconded by Commissioner Sower to deny demolition of the property. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Sower, Bowers and Mayor May (4). Those voting against the motion were Commissioner Roach (1). The motion there thereupon adopted.

There were many members of the Tanglewood Neighborhood Association in attendance. The citizens that spoke against the Frankfort Plant Board Headend Project representing the Tanglewood Neighborhood Association were:

- Suzanne Gray
- Guthrie True
- Tom Hewlett
- Raymond Bailey
- Lee Waterfield
- Roy Gray
- Charlie Booe
- Marshall Thompson
- Linda Stopper

Frankfort Plant Board representatives attended to answer questions from the Commission. Herbbie Bannister, General Manager of the Frankfort Plant Board, addressed the Commission and the Tanglewood Neighborhood Association. Representatives with GRW, Shane Lyle and Aaron Nickerson, discussed the landscaping options and designs of the project.

Following a lengthy discussion, it was moved by Commissioner Bowers to halt the Frankfort Plant Board project. The motion died for lack of a second. The Commission decided to go into Closed Session for further discussion at the end of the meeting.

It was moved by Commissioner Roach, seconded by Commissioner Haynes for a brief recess at 7:30 p.m. Motion was adopted by voice vote without objection.

The meeting returned to session at 7:40 p.m.

Item 9.2 was to be a discussion with property owner of 404 Swigert Avenue Gregory Geisler. Mr. Geisler was not in attendance; therefore, the item was not discussed.

#### **New Business**

Item 10.1 To authorize a Purchase Order with Simplex Grinnell for installation of a fire alarm system in the laboratory and make necessary upgrades to the fire alarm system in the main building at the wastewater treatment plant and to authorize Mayor to sign all documents. Funds are available in Sewer Account No. 300-68-54390. The budget for this account is \$14,797,500 and as of August 31 this account had \$2,767,417 expensed or encumbered (Sewer Department). It was moved by Commissioner Roach, seconded by Commissioner Haynes to authorize the purchase order. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Sower, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The purchase order was thereupon approved.

Item 10.2 A discussion regarding the Taylor Avenue Force Main Replacement with the Sewer Department. The Sewer Department is seeking approval for the Mayor to sign a contract not to exceed \$35,600.00 regarding replacement of the force main on Taylor Avenue. Funds are available in the capacity fee account. After a brief discussion, it was moved by Commissioner Roach, seconded by Commissioner Haynes to approve the request. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Sower, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The request was thereupon approved.

Item 7.8 was moved from Consent to New Business Item 10.3 at the request of Commissioner Sower. Approval of an application for the 2016 Litter Abatement Grant Funds and to authorize the Mayor to sign all related documents (Public Works). The City documents total litter abatement expenditures in 2015 based upon street miles, the City anticipates receiving approximately \$14,000.00 from the Kentucky Natural Resources Cabinet in 2016. It was moved by Commissioner Roach, seconded by Commissioner Haynes to approve the application. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Sower, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The application was thereupon approved.

Item 7.12 was moved from Consent to New Business Item 10.4 at the request of Commissioner Sower. Approval of an Engineering Service Contract with Integrated Engineering, PLLC. to complete an evaluation of the asphalt surface conditions of the City's Streets and authorize the Mayor to sign all related documents (Public Works). Commissioner Sower expressed concern spending the extra money to resurface additional streets, aren't we already spending enough. Tom Bradley, Director of Public Works stated this would allow someone with technical knowledge to offer the most critical areas to resurface and Public Works is trying to approach the best they can with a staff shortage. Following a brief discussion, it was moved by Commissioner Haynes, seconded by Commissioner Roach to approve the contract. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Roach, Bowers and Mayor May (4). Those voting against the motion were Commissioner Sower (1). The contract was thereupon approved.

Item 7.13 was moved from Consent to New Business Item 10.5 at the request of Commissioner Sower. Approval of an Engineering Service Contract with Integrated Engineering, PLLC. to complete an evaluation of effects of Two Way Traffic on West Main Street and authorize the Mayor to sign all related documents (Public Works). The City of Frankfort and the Kentucky Department of Transportation have entered into a memorandum of agreement that costs up to \$12,000 will be reimbursed to the City from KYTC for this study. Tom Bradley, Director of Public Works, addressed the Commission and confirmed the MOA has been signed by all parties. Commissioner Sower stated that KYTC performed a traffic analysis that looked at the projected number of cars traveling into and out of the system and found that there wasn't a negative impact on the other streets downtown if West Main were switched to two-way. Mr. Bradley mentioned that physical attributes of the street must also be considered. Commissioner Sower would like the evaluation to be completed as quickly as possible. It was moved by Commissioner Roach, seconded by Commissioner Haynes to approve the contract. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Sower, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The contract was thereupon approved.

It was moved by Commissioner Roach, seconded by Commissioner Haynes to adjourn to closed session per KRS 61.810 (1)(c), Litigation. The question was put upon the motion and thereupon adopted by voice vote. The meeting went into closed session at 8:00 p.m.

It was moved by Commissioner Haynes, seconded by Commissioner Roach, that the meeting return to open session at 8:55 p.m.. The question was put upon the motion and thereupon adopted by voice vote.

A decision was not reached in the Closed Session regarding moving the Frankfort Plant Board Headend Project, therefore, the Commission will hold a Special Meeting on October 1<sup>st</sup> at 10:00 a.m. in the Council Chambers.

It was moved by Commissioner Roach, seconded by Commissioner Bowers that the meeting adjourn. The question was put upon the motion and thereupon adopted by voice vote. The meeting adjourned at 9:00 p.m.

Attest:	Mayor	
City Clerk	<del></del>	